

Attorney's File: CECOM-04.US

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BEFORE THE UNITED STATES PATENT AND TRADE MARK OFFICE
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare as follows:

My residence, post office address, and citizenship are as stated below next to my name.

1. I verily believe that I am an original, joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TUBULAR BASEBALL BATS WITH VARIABLE STIFFENED BARRELS

the specification of which is:

attached

 was filed as United States Serial No. _____
on September 29, 2003 was filed as PCT international application as Serial No. _____ on _____.

2. I hereby state that I have reviewed and understand the contents of said specification, including the claims.

3. I acknowledge my duty to disclose information of which I am aware and which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56a.

4. I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the effective filing date of this application; or as to common subject matter, more than one year prior to my or our earlier United States application, if any, described below:

 This application is a _____ continuation, _____ division, _____ continuation-in-part of my/our prior U.S. application(s) Serial No. _____ filed
 None of the above.

5. The same was not in public use or on sale in the United States of America more than one year prior to the effective filing dates of this application or said earlier application as to common subject matter.

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6. I hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

<u>Country</u>	<u>Application Number</u>	<u>Date of Filing</u>	<u>Priority Claimed Under 35 USC 119</u>
<u>N/A</u>			

7. As a named inventor, I hereby appoint the following as my attorney with full power of substitution to prosecute this application and transact all business in the Patents and Trademark Office connected therewith, including redesignation of my representative for service:

DAVID J. FRENCH - Reg. No. 31,229

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 Address all correspondence to: David J. French,
 P.O. Box 2486, Stn. "D",
 Ottawa, Canada. K1P 5W6

8. I HEREBY declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Inventor's Signature: Date:

Stephen Fitzgerald

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Full name of
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Inventor's Signature: _____ Date: _____

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Full name of
third inventor: Terrance William Sutherland

Inventor's Signature: _____ Date: _____

Residence: 941 Thrush Court
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Citizenship: Canadian

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